

MONTANA LEGISLATIVE HISTORY

Chapter 224 19 59

Bill H 245 S _____ Original bill & history ____C

H. Committee on Highway & Transportation

Hearing Date(s) Feb 02 ☒ C

Feb 09 ☒ C

Feb 11 ☒ C

_____ C

Date Out _____ C

S. Committee on Highway & Transportation

Hearing Date(s) Feb 20 ☒ C

Feb 21 ☒ C

_____ C

_____ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

Rep. Schwinden moved that H.B. 179 do pass, seconded by Rep. Eskildsen, and the motion carried.

Rep. Babcock moved that H.B. 223 do not pass, seconded by Rep. Schwinden, and the motion carried.

The Chairman suggested that House Bills 247, 248, 249 and 250 be put in sub-committee and appointed the following: Woodring, Eskildsen and Broeder.

Rep. Reeder moved that H.B. 493 do not pass, seconded by Rep. Nichols and the motion carried.

Rep. Leuthold moved that H.B. 346 do pass, seconded by Rep. Woodring, and the motion carried.

After a brief discussion of H.B. 479, Rep. Babcock moved that it do pass, seconded by Rep. Woodring. In looking over the bill further, they decided the 1958 was not a typing error and Rep. Babcock asked to rescind his motion and Rep. Woodring withdrew his second to the motion. The committee decided this bill would need further study.

The meeting adjourned at 3:30 P.M.


Chairman
JAMES WOOD, JR.

HT

Feb 9

Rep. Broeder moved that H.B. 249 do pass, seconded by Rep. Babcock and the motion carried.

Rep. Broeder moved that H.B. 250 do pass, seconded by Rep. Haines, and the motion carried.

The meeting adjourned at 5:00 P.M.

 Chairman

JAMES WOOD, JR.

HT

February 11, 1959

A meeting of the Highways and Highway Transportation Committee was held at 4:30 P.M. with a quorum present and Chairman Wood presiding.

After a brief discussion of H.B. 404, Rep. Nichols moved that it do not pass, seconded by Rep. Babcock, and the motion carried.

Chairman Wood explained H.B. 479 and said it should be amended to give the State Board of Equalization power to audit the books of gas dealers at any time. Rep. Babcock moved the bill be amended to include that power to the Board of Equalization and as amended, do pass, seconded by Rep. Moudree, and the motion carried.

Rep. Broeder moved to amend H.B. 247 as by the committee report, seconded by Rep. Moudree, and the motion carried. Rep. Broeder then moved as amended, the bill do pass, seconded by Rep. Moudree, and the motion carried.

Rep. Broeder moved to amend H.B. 248 by correcting the legal wording and as amended do pass, seconded by Rep. Bentz, and the motion carried.

Rep. Broeder moved to amend H.B. 249 as by the committee report and as amended, do pass, seconded by Rep. Bentz, and the motion carried.

The amendments on H.B. 247, 248 and 249 were necessary due to the fact the attorney had used the wrong legal wording in amending sections of the Codes of 1947.

The meeting was adjourned at 4:45 P.M.



Chairman

JAMES WOOD, JR.

HT

February 20, 1959

A meeting of the Committee on Highways and Transportation was called to order by the Chairman, Senator Bovey, in Room 407 of the Capitol Building at 8:30 a.m. The following members were present: Senators Bovey, Michels, Reardon, Thiessen, Manning, Nees, Mahoney, McGowan, Cumming, Harken, Anderson, Sagunsky and Cole.

The committee had for consideration House Bills No. 247, 248, 249 and 250.

Mr. Maurice Richey, Traffic Engineer for the Montana Highway Commission, appeared before the committee and explained the purpose for each of these bills. He explained that they are somewhat of companion bills since they all deal with traffic on interstate freeway system. No action was taken on these bills.

The committee had for consideration House Bill No. 254.

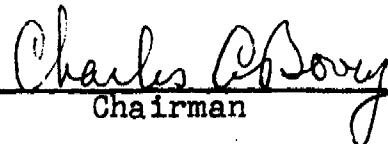
Mr. Robert Holding, attorney for J. Neils Lumber Company, Libby, Montana, appeared before the committee and explained the purpose of House Bill No. 254. He stated that the loggers are required to pay a 9¢ diesel fuel tax and have paid over \$1800.00 under protest. They are being taxed on roads that they build, operate and maintain themselves and that the State of Montana has nothing to do with. Their trucks are bigger than the highway load allows and the present law says nothing about going across, but only over the public highway. Section 5 of the bill allows them to cross under proper control to get from one side of a public highway to another. (Section 5 is new material and should be underlined.)

Mr. Holding also gave the committee some proposed amendments for House Bill No. 446, at the request of the Highway Department.

House Bill No. 113 was discussed.

Mr. Lloyd Helmer, representing the lumber manufacturers, appeared in support of the bill. This bill sets out truck speeds and distribution weights. Mr. Helmer stated that the Highway Department had helped with this bill and there is nothing controversial about it.

Upon motion made, seconded and carried, the meeting adjourned.


Chairman

February 21, 1959

A meeting of the Committee on Highways and Transportation was called to order by the Chairman, Senator Bovey, in Room 407 of the Capitol Building at 8:15 A.M. The following members were present: Senators Bovey, Michels, Thiessen, Nees, McGowan, Harken, Anderson and Sagunsky.

Alex Stephenson met with the committee and explained the Highway Patrol bills discussed.

House Bill No. 299 was discussed and Senator Sagunsky made a motion that House Bill No. 299 Be Concurred In. The motion was seconded by Senator Harken and unanimously carried.

House Bills No. 158 and 209 were discussed. Both of these bills have to do with the abandoning of vehicles on highways and are companion bills. They were referred to Senator Harken for further consideration.

House Bill No. 109 was discussed. No action was taken.

House Bill No. 440 was discussed. Rep. Jim Battin, Yellowstone County, one of the authors, explained the purpose of the bill. No action was taken.

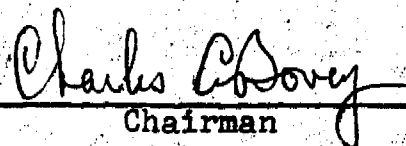
House Bill No. 247 was discussed and Senator Sagunsky made a motion that House Bill No. 247 be amended, as shown on the attached committee report, and As So Amended Be Concurred In. The motion was seconded by Senator Michels and unanimously carried.

House Bill No. 248 was discussed and Senator Harken made a motion that House Bill No. 248 be amended, as shown on the attached committee report, and As So Amended Be Concurred In. The motion was seconded by Senator Sagunsky and unanimously carried.

House Bill No. 249 was discussed and Senator Harken made a motion that House Bill No. 249 be amended, as shown on the attached committee report, and As So Amended Be Concurred In. The motion was seconded by Senator Sagunsky and unanimously carried.

House Bill No. 250 was discussed and Senator Harken made a motion that House Bill No. 250 be amended, as shown on the attached committee report, and As So Amended Be Concurred In. The motion was seconded by Senator Sagunsky and unanimously carried.

Upon motion duly made, seconded and carried, the meeting adjourned.


Chairman

"Person."

1. "Person" shall include any person, firm, corporation or association.

"Proceedings of the legislature."

2. "Proceedings of the Legislature" shall include status sheets, status of proceedings, mimeographed bills, mimeographed resolutions, mimeographed memorials, printed bills, printed resolutions and printed memorials and amendments thereto.

"One complete set."

3. "One Complete Set" shall be one copy of each item of the proceedings of the legislature.

Schedule of fees.

Section 2. **Schedule of fees:** (a) Any person desiring to receive one complete set of the proceedings of the legislature shall pay to the secretary of state one hundred dollars (\$100.00). Upon receipt of such money the secretary of state shall transmit the name of said person to the clerk of the house of representatives and the secretary of the senate, who shall supply such person with a complete set of the proceedings of the legislature. Any person desiring to receive more than one set of the proceedings of the legislature shall pay one hundred dollars (\$100.00) for each additional set.

(b) Any person desiring to receive single copies of mimeographed bills, mimeographed resolutions, mimeographed memorials, printed bills, printed resolutions, printed memorials or amendments thereto shall pay to the clerk of the house of representatives or the secretary of the senate twenty-five (25¢) per single copy.

(c) Any person desiring to receive single copies of status sheets or status of proceedings shall first pay to the clerk of the house of representatives or the secretary of the senate ten cents (10¢) per single copy.

Payment to secretary of state.

(d) The chief clerk of the house of representatives and the secretary of the senate shall be responsible for accounting for all monies received by them and shall transmit such funds received to the secretary of state before 5 o'clock p. m. each week day. Any monies received by them during Saturday, Sunday or evening sessions of the legislative assembly shall be held by them in a safe place and transmitted to the secretary of state upon the next business day.

(e) The secretary of state shall account for all funds collected under this act and transmit such funds to the treasurer of the State of Montana, who shall credit them to the general fund.

Credited to general fund.

Section 3. **Exclusions:** Representatives of the press, radio, and television who shall have first registered with the secretary of state shall be exempt from the provisions of section two of this act and shall receive one complete set of the proceedings of the legislature without charge.

Exclusions.

Section 4. All elected state officials, state department heads and county clerks and recorders shall be exempted from the provisions of section two of this act.

Exemptions.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 11, 1959.

CHAPTER 224

An Act to Amend Section 32-2134 of the Revised Codes of Montana, 1947, as Amended, Providing the Highway Commission to Sign All State Highway; Providing That the Commission Only Shall Sign Controlled Access Highways or Controlled Access Facilities; Providing That the Commission Shall Adopt and Publish Rules and Regulations Regarding the Erection, Placement and Maintenance of Signs for Traffic Control Devices; Providing That Every Unauthorized Sign or Traffic Control Device Encroaching Into the Right-of-Way of a State Highway, or Controlled Access Highway is a Public Nuisance; Providing Removal of an Encroaching Sign; Providing a Penalty; Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 32-2134 of the Revised Codes of Montana, 1947, as amended, be, and the same is hereby amended to read as follows:

Amending clause.

"State highway commission to sign all state highways.

State highway commission to place traffic control devices on state highways.

(a) The state highway commission shall place and maintain such traffic control devices, conforming to its manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn, or guide traffic.

Permission to local authorities.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the state highway commission except by the latter's permission.

Devices on controlled access highways exclusive.

(c) *The commission only shall erect, place and maintain such traffic control devices conforming to its manual and specifications upon any controlled access highway or controlled access facility. The erection of any sign, marker, or emblem upon a controlled access facility or controlled access highway by any other public authority, or agent, or by any private individual, firm or corporation is forbidden and is hereby declared to be a misdemeanor and punished as provided in section "E."*

Misdemeanor.

Devices on highways other than controlled access.

(d) *The erection, placement, or maintenance of any sign, marker, emblem or traffic control device upon any state highway except a controlled access highway or controlled access facility, shall be subject to the rules, regulations and specifications as the commission shall adopt and publish in the interest of public safety and convenience.*

Misdemeanor.

(e) *The erection of any sign, emblem, marker or traffic control device in violation of this section shall be a misdemeanor and upon conviction, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00).*

Unauthorized devices declared public nuisance.

(f) *Every such unauthorized sign, emblem, marker or traffic control device or portion thereof encroaching into, over, or upon a right-of-way of any state highway, or controlled access highway is hereby declared to be a public nuisance, and the highway commission is hereby empowered to remove the same or cause it to be removed without notice and without liability for such removal."*

Repealing clause.

Section 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1959.

CHAPTER 225

An Act to Amend Section 66-229 of the Replacement Volume of the Revised Codes of the State of Montana, 1947, as Enacted in Section 10, Chapter 111 of the Laws of 1955, Relating to Exemptions from the Auctioneers and Auction Sales Act, to Provide for the Exemption of Individuals Maintaining an Established Retail Sales Place of Business and Inventory of Goods in the County in Which the Sale is to be Held; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 66-229 of the Revised Codes of Montana, 1947, as enacted in section 10, chapter 111 of the laws of 1955, be, and the same is hereby amended to read as follows:

Amending clause.

"66-229. Exemptions from act. The provisions of this act shall not extend to the sale at public auction of live-stock, farm machinery or farm produce or other items commonly sold at farm sales, or to auction sales by individuals of new merchandise, who maintain an established retail sales place of business and inventory of goods in the county in which the sale is to be held, and to auction sales under the direction of any court or court officers as may be required by law nor shall it apply to sales made to dealers by commercial travelers or selling agents in the usual course or business, nor to a bona fide sale of goods, wares and merchandise by sample for future delivery, or by sales made by sheriffs, constables or other public officers selling goods, wares and merchandise according to law, nor to bona fide assignees or receivers appointed in this state selling goods, wares and merchandise for the benefit of creditors.

Exempting certain classes of sales from provisions of auction sales act.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 11, 1959.

CHAPTER 226

An Act to Amend Section 53-623, Revised Codes of Mon-